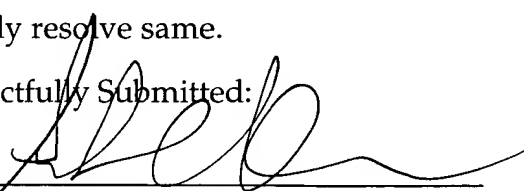


that they should all remain in the same application to preserve unity of the invention and thus avoid any possibility of the charge of double patenting arising at some later date. It is typically improper for process and product claims involving exactly the same inventive concept and evidencing complete "uniting of invention" to be divided. *Steinmetz v. Allen*, 192 U.S. 543, 48 L.Ed. 555 (1904). All of the above identified claims are directed to solving an integrated problem having an integrated solution of providing Thrombin. Whereas, *arguendo*, the product may be theoretically distinguishable from the method, the statutory requirement under 35 U.S.C. §121 that there be both independence and distinction between the inventions has not been met. It has not been shown why the claims should be considered independently as required by the language of Section 121. Therefore, the Examiner is respectfully requested to withdraw the restriction requirement between all groups. Claims 1 through 8 and 12 constituting group I has not been provisionally elected. Applicant still reserves the right to file a divisional application for this subject matter and applicant does not waive any right therefore or abandon such subject matter.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the position taken in the last Office Action removing this restriction requirement and examining all claims on their merits. If the Examiner believes further issues remain outstanding or new ones have been generated by this election, undersigned specifically requests a personal interview in order to expeditiously resolve same.

Dated: April 16, 2003

Respectfully Submitted:

  
BERNHARD KRETEN  
Applicant's Attorney  
Telephone (916) 930-9700  
Registration No.: 27,037



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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

**Applicant:** Coelho, Philip, et al.  
**Serial No.:** 09/709,237  
**Filed:** November 10, 2000  
**For:** Apparatus and Method of Preparation of Stable,  
Long Term Thrombin from Plasma and Thrombin  
Formed Thereby  
**Paper:** 1. Election (responsive to the Office Action mailed March 18, 2003);  
2. Return receipt card.

I hereby certify that the above identified correspondence, which is attached, is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner of Patents and Trademarks, Washington DC 20231

on April 16, 2003.

Rodica A. Dima

Rodica A. Dima  
(Signature)

April 16, 2003  
(Date of Signature)